

Montpelier Planning Commission
November 8, 2004
City Council Chambers, City Hall

Subject to Review and Approval

Present: David Borgendale, Chair; Carolyn Grodinsky, Vice Chair; Anne Campbell; Richard Sedano; Irene Facciolo; Curt McCormack; Marjorie Power
Staff: Valerie Capels, Planning & Community Development Director

Call to Order

The meeting was called to order by Mr. Borgendale at 7:05 p.m..

Minutes

Ms. Grodinsky made a motion to approve the minutes of September 27, 2004. Mr. McCormack seconded the motion. Mr. Sedano noted that "Master" was misspelled in the paragraph heading on page 2. He also noted that the word "brief" should be plural in the second sentence of the third full paragraph on page 3. Mr. Sedano said that there seemed to be some confusion regarding the discussion of schedules in the second to last paragraph of the Sabin's Pasture discussion. He said that the Planning Commission's schedule was not the same as the schedule in the consultant contract. The motion was approved.

Review of Agenda

Mr. Borgendale said that he needed to leave the meeting by 8:30 and would ask Ms. Grodinsky to take over the Chair at that point. He said there has been a lot of discussion regarding the Sabin's Pasture zoning effort and that he would like to move agenda item #7 to be the first item to be discussed. He would also like to move the discussion of the Vision Statement ahead of the Master Plan discussion. Ms. Grodinsky said that she would like to add a discussion of the poster at election day.

Sabin's Pasture Rezoning Update and Review of Schedule

Mr. Borgendale said that the subject of the contract with DPZ Consultants will be on the City Council agenda on Wednesday. He believed it would be helpful if the Planning Commission advises the Council of the Commission's position on the matter.

Ms. Facciolo explained that the zoning subcommittee and others edited the generic "SmartCode." She said that Chris Smart took those edits, worked in links to Vermont state law and e-mailed them to DPZ with the expectation that they would comment on the draft. The subcommittee's comments were about a week late and the DPZ schedule was not flexible enough to incorporate that week delay. One of the consultants e-mailed Mr. Smart to say that the subcommittee had spent a lot of time and effort on this already. The consultant said that the City might want to consider buying the rights to the code and work with it directly. That might order to save time and money by not continuing to refine the code with the consultants. Ms. Facciolo said the Council will take up the question of paying the consultants for the time spent and then taking on the refining process ourselves. The Council is talking about not using the consultants to continually refine the code because they have not done work beyond the first draft at this point. She said that, since the Sabin's Pasture zoning is only part of the SmartCode, everything will not be fleshed out at this point.

Mr. Borgendale said that, based on his reading of the dialogue between Chris Smart and Mike Watkins, it seemed that there were fairly substantive agreements on how the SmartCode applies to Montpelier and whether the code was being used the way DPZ feels that is essential to use. Mr. Sedano said he is curious about how the subcommittee feels about this. Ms. Facciolo said the subcommittee has only talked

by telephone, but there appeared to be a consensus that the subcommittee members do not feel that the consultants are needed to bounce back much more than has already been discussed internally. Mr. Sedano asked Ms. Facciolo whether there is a need to have the consultant continue in an advisory role or whether the Commission can finish the work itself. Ms. Facciolo said that question was more difficult. The consultant started out by giving the subcommittee ideas and tools that they needed. She did not have a sense that the consultant has added anything substantive to the discussions beyond that. The consultant's view is that his code is so strongly written and the subcommittee knows the town so much better than he does that the subcommittee has already gone further using his template than he could go.

Ms. Campbell said she also had the impression that the consultant was frustrated with the discrepancy between his input and the subcommittee's output. Ms. Facciolo said it would just take him some time. The consultant had indicated that he would wait to hear back from the subcommittee as to what the City wanted. Ms. Campbell asked what the \$10,000 for the SmartCode would give the City. Ms. Facciolo said that the money would buy the copyright. Ms. Campbell asked whether the Planning Commission would be free to edit and use the code as it wishes. Ms. Facciolo said that DPZ would retain the right to take back the SmartCode name if they determine that the final product differs drastically from their concepts. Mr. Smart's vision was that there would be a dialogue after he sent his version of the code, but that did not happen. Instead, the consultant said that the subcommittee had done so much work that they may wish to take on the project themselves.

Ms. Power said that she saw that as a good response. She was concerned all along about the possible rigidity of the code and she saw DPZ's willingness to relinquish some of their control as a good thing. Ms. Campbell said that the situation held good news and bad news. The good news was that the Planning Commission would be able to take the useful parts of the SmartCode and tailor the code to Montpelier. Doing so would avoid some of the criticism regarding the use of an inappropriate template resulting in a "Disneyland" approach. Ms. Campbell said that the bad news was that she questioned whether the Planning Commission will have sufficient knowledge and expertise to move ahead without the consultants. Ms. Facciolo said the Commission needs to take the draft, make it its own, give the public the opportunity to comment, and get the Council's input. She said that the Commission could do this if it likes the code.

Mr. Sedano said the Commission always knew that it would have to adapt the code to meet the City's needs. The other question is the level of assistance the Planning staff will be able to provide. Ms. Capels said that there are two considerations. The first consideration is whether the zoning will address Sabin's Pasture only or will address the citywide zoning. The second consideration is the time frame for completing the work. Staff has the technical capability to sort through the issues in-house. She was never clear as to what assistance the consultant was going to bring to the citywide zoning other than explaining the SmartCode. It was not clear what kind of planning, visualization, and analytical assistance the consultants were going to offer. As long as the planning process gets done, it is reasonable to go through the citywide zoning and Sabin's Pasture processes while filling in the blanks at the same time. She said that the bottom line question is timing and what gets done when.

Ms. Power said she felt that Ms. Campbell's question was a good one. She said that Ms. Facciolo has a level of understanding of the situation that the rest of the Commissioners do not have. Ms. Power suggested the Council could allow for a contract for consultant services as needed to cover any future need for assistance.

Mr. McCormack said that he never agreed with the solution to sprawl described in the consultants' book. The code was written for communities that are unlike Montpelier so he is not surprised that the code does not fit the city. Mr. McCormack said that this may be an opportunity to drop the SmartCode approach and start anew. It might be easier for Ms. Capels to deal with zoning changes to the existing code. Ms. Capels said that she had said in the past that modifying the procedures of the existing code and using a conservation district or overlays or form-based provisions to meet the objectives for Sabin's Pasture is a do-able approach. Mr. McCormack said that he would use the term "revamp" rather than modify.

Ms. Grodinsky asked to go back to the original question. Mr. Borgendale said the question was "What does the Commission want to tell the Council that it would like them to do?" Ms. Grodinsky said it was difficult to answer without a good understanding of what the code is about. She would want to have a meeting next week to really understand how much the code can be tweaked. The Commission needs to look at what it wants in the zoning and how the code fits.

Ms. Power said she is concerned about the idea of "Disneyland" that has been raised. Montpelier grew into a smartcoded town on its own, so the residents currently live in a "Disneyland." The citizens do not want the city to look like the Bronx. After attending a planning conference, she became convinced that it would be possible to use the SmartCode to achieve results that looked like Montpelier presently looks. She said that the design parameters in the code will make it easier to address neighbors' concerns and get permits for development.

Ms. Campbell said she would like to articulate any concerns with the SmartCode to see if it can be modified to address those concerns. She does not want to throw the baby out with the bath water. Some aspects of the SmartCode look more like Montpelier than the current code might. Mr. McCormack said he does not take issue with the specific design parameters, but is concerned by how much they offend others. The public does not want government involved in the small stuff, but the code regulates the small stuff such as the percentage of glazing or the roof pitch. The public resentment of what is perceived as over regulation could result in the public throwing out the entire code. Ms. Campbell said that she shared those concerns, but wanted to see if SmartCode can be modified to address them because the SmartCode fits the community better than the existing code. Mr. McCormack said that his point was that the Commission does not necessarily want to hold on to this approach.

Mr. Borgendale said that he had a real concern that the Planning Commission and others in the zoning effort are too focused on what this place looks like. He has a problem with the concept that Montpelier should be a New England Disneyland because more than prettiness is needed to make a community livable. Jobs, schools, transportation and other daily needs may not fit that prettiness. He was not saying that the look and character of the community should not be kept consistent, but was saying that the look should not be the singular focus.

Mr. Borgendale asked what the subcommittee's expectations were if the City does not continue with DPZ. Ms. Facciolo said that the draft that the subcommittee developed would be taken up by the Planning Commission for editing and public comment. It would then be forwarded to the Council. Mr. Borgendale asked what the Planning Commission would receive from the subcommittee. Ms. Facciolo said that the Commission has already received the draft and the intention would be to stay with the schedule. She was unsure of when the Planning Commission's report would have to be done. Ms. Capels said the report would be required by Friday if the public hearing was to December 1. Mr. Borgendale said that would mean that the Planning Commission would have to vote tonight to have the

hearing on December 1. Ms. Capels said she had been moving ahead based on the discussion at the previous meeting about the hearing date. Mr. Sedano said he feels uncomfortable taking the working draft that the Commission has now and using that draft for the public hearing. The Commission has not yet discussed the draft as a Commission and there is a chance that the Commission will change the draft. The Commission needs to get to the position it would have been in if the consultant had provided to draft on schedule. That means discussing the document and having it in a form for which the Commission has total support or at least qualified support.

Mr. Sedano said his impression is that the Commission can send the consultant off with its thanks, but the Commission needs to carve out time to take the project on from here. The Commission needs to get as close to being back on schedule as possible, but has to deal with the fact that it is off schedule. Ms. Power said that she is okay with releasing the consultant, but the Planning Commission report cannot be ready by Friday if the Commission has not reviewed and discussed what may be serious issues. She said that the Commission members need to set time aside for the review and discussion.

Jim Libby said that he thinks that this is a great opportunity for the Commission to hear public questions about big issues. There has not been much of a community planning process at this point and there is a risk that the community will not accept good planning ideas because it feels that the process is happening without community involvement. Mayor Hooper said she could not imagine having the Council discuss this matter without knowing what help the Planning Commission wants. She suggested the Planning Commission may want to think about what resources it needs to have a great planning dialogue. She did not want good ideas to be thrown out because of lack of understanding or dissatisfaction with the process.

Ms. Campbell said she liked Ms. Power's idea to reserve the option of call on the consultant for assistance. She wondered whether it was possible to have a public hearing on December 1 around what the Commission knows about SmartCode and to begin the public input process that way in order to get public input before making the decision to spend the \$10,000. Ms. Capels said that she thought that the Planning Commission knew there would not be a polished draft with the Planning Commission's fingerprint on it for the December hearing. She had understood that the Commission would take the public feedback on the committee's draft under consideration and then take time to develop a document that the Planning Commission supports. The Planning Commission report can be sent out stamped as a draft and then finalized after the hearing. Ms. Grodinsky said that she strongly suggested that the Commission pull together as much information before hand so that it is comfortable on some of these issues. The Commission needs to have a discussion before the public hearing on some of the outstanding questions.

Mr. Sedano said he appreciated Ms. Campbell's comments. The Commission has to make a choice on whether it wants to put out something that it feels really good about for the public comment or whether it would be better to get public input first and then use that input in developing something that the Commission feels really good about. He thinks that the Commission needs help from the public, but also needs to understand that people are going to ask a lot of questions, some inflammatory, on issues that might have been resolved before the public meetings. The choices are to go to the public with a more polished version or to engage with the public and get their help in producing the polished version. He wanted the Planning Commission to think openly and favorably about having a hearing on December 1 for the reasons that Ms. Campbell described.

Ms. Power said that when the Board of Education had a hearing on the school, people felt that they did not have the information that they needed to comment on the issues. People were quite irate that they did not have that information. The Commission should understand the implications of the code since the Planning Commission is the group in charge of it. The Commission should work out those issues that it can and have the information and data available to allow the public to understand the proposal. The Planning Commission has not done its planning yet.

Mr. Borgendale said his sense was that the members are okay with telling the City Council that the Commission is willing to end the consultants' work and telling the Council that the Commission cannot give a schedule because it has many issues that it needs to discuss in order to understand where it is in the process. Ms. Facciolo said that she did not agree with the point on the time table. The zoning committee had a series of meetings to work out the code and the Commission could do the same. Ms. Grodinsky said that she thought the schedule could be worked out tonight. Mr. Borgendale said he felt that the committee totally bypassed community planning issues and just assumed that they were resolved.

Ms. Grodinsky made a motion to have a hearing on December 1 on the draft code and to meet before then to work on the issues. Mr. Borgendale said that the Commission will have to warn the hearing and will need to provide copies of the document. Ms. Facciolo said that the draft that the Commission presently has could be used. The Commission could still meet to work on the issues so that it can tell the public where things have been resolved.

Ms. Capels said that she intended to proceed with the hearing notice and process as though the committee's draft document was like a petition delivered to the Commission. The document would be described as the zoning committee's draft rather than a product of the Planning Commission. Mr. Borgendale asked for clarification of whether the motion was to warn the public hearing on December 1 to consider the committee's draft. Ms. Grodinsky said that was correct, but that there was another part to the motion. Ms. Facciolo seconded the motion. Ms. Campbell said she understood that the motion was proposing to put the document out as the committee's draft and to hold the hearing because the Commission's priority is to get public input as early as possible. She was also proposing that the Commission meet as soon as possible to begin to get up to speed.

Mr. Sedano expressed concern that the Commissioners need to be educated, but also need to receive comments with open minds. He did not want to make decisions on the document before hand because he did not want to compromise the process. Ms. Power said that she felt better about the concept of putting the draft out as the zoning committee's draft. That would allow the Planning Commission to be deliberating on the same draft that the public is considering.

Mr. Borgendale said he read through the current draft and came up with about 60 different issues, some significant and some minor. He asked whether the Commission wanted to go through the draft one time to address the obvious issues before taking the draft to the public. He identified another issue with the whole process as the question of what community planning criteria will be used for assigning the zones to the specific areas. That aspect of planning did not get done. Ms. Grodinsky said she agreed with Mr. Borgendale's point on community planning. She asked him what process he would suggest to get input on the issue. Mr. Borgendale said he would consider a series of forums, but that the public does not typically respond well to open-ended questions.

Mr. Sedano said the Commission can reasonably treat the document as the committee's and go to the public for input to help process the draft. Once the Commission starts engaging the public in the way that Mr. Borgendale had suggested, which has merit, the document becomes the Commission's. Ms. Power noted the Commission would not meet the date by which the zoning was to go to the Council whether the hearing is set for December 1 or is put off. Mr. Borgendale said that the Commission could ask the committee to correct the problems. Ms. Power disagreed and said that the Commission needs to grasp this project now. Ms. Campbell said it is important to get public input as early as possible and to have an open process.

Mr. Borgendale said there is a motion that the Commission warn the public hearing for December 1 on the draft submitted by the zoning committee. The motion carried by a vote of 4-3 with Mr. Borgendale, Mr. McCormack, and Ms. Power opposed.

Mr. Borgendale said he supposed the Commission should tell the Council that it is willing to terminate the contract with the consultant and that it will proceed with a hearing on the draft that exists as of December 1. Mr. Sedano suggested the Commission say that it is willing to tell the consultant to stop work, that the Commission would like to have the consultant available if assistance is needed, and that the Commission will take control of getting the process done on Sabin's Pasture and handle its own responsibilities as well.

Mr. Borgendale asked if any of the Commissioners shared his interest in meeting with the consultant on November 16. Ms. Grodinsky said she did. Ms. Power asked Ms. Facciolo if she thought the meeting would be helpful. Ms. Facciolo said it would be helpful if guidance was desired on the SmartCode concepts. The consultant will not be able to comment on the changes that the committee made. Ms. Power asked whether the Commission members need education on the SmartCode beyond the information that Ms. Facciolo could provide. Mr. Borgendale said he would like the consultant to come and answer questions on the interpretation of SmartCode because he was not sure that the committee understood it properly. He said that he was mostly concerned with the issue of the community plan. The Planning Commission should understand the code properly if the code is to become the basis for its work.

Mr. Sedano asked whether there was still some interest in having the meeting with the consultant televised. Ms. Capels said it already is set up for November 16. Ms. Power said it would be good to have the public hear the information if the SmartCode is to be the basis for the zoning. Ms. Campbell said that she wondered if the Commission should ask the Council for funds to get help from the Forum on Sprawl. Mr. Sedano said that the Commission needs to determine what it needs and make the request to the Council. Mr. Borgendale suggested that the Commission could ask for funds to seek some assistance.

Mayor Hooper said that another question is whether the City should purchase the license to use the Smartcode. Mr. Borgendale said he did not particularly care if the City uses the name "SmartCode," but he did want to be able to use concepts from the code. Mayor Hooper said that the question did not have to be answered for Wednesday. She understood the Commission to be saying that it is willing to say goodbye to the consultant and to take the process from there, that there may be a need to seek additional consultant help, and that the City may want to purchase the SmartCode.

Mr. Borgendale asked whether there was a consensus that the Commission members want to have the consultant meet with them on November 16. He also asked whether the commissioners wanted to meet before then. Mr. McCormack said that there is not a consensus on whether to have the consultant come. He made a motion that the Commission not have the consultant come to a meeting. Mr. Borgendale

asked if there was a second for the motion. Hearing no response, he said that there was no second, but that Mr. McCormack's objection was noted.

Mr. Borgendale suggested that the Commission meet on November 12 at 4:00 for about an hour. He expected the Commission members will have reviewed the drafts and have their questions ready.

Mr. Borgendale excused himself and turned the meeting over to Ms. Grodinsky. He summarized that the Commission would have the public meeting warned, that the Commission will meet on November 12 and will meet with the consultant on November 16.

Ms. Grodinsky reviewed and adjusted the agenda based upon the late hour. Ms. Capels said that she had passed out copies of the statutory requirements for the Planning Commission report on the zoning proposal. She noted that one area that needed to be addressed is the compatibility of the proposal with the Master Plan. She also distributed a matrix from Chapter 12 of the Master Plan with goals and action statements highlighted that related to the proposed zoning. She needed comments by Wednesday.

Master Plan Draft Goals and Policies Review

Ms. Grodinsky reviewed the expected outcome of the discussions. The Commission will review the revisions to the chapters and changes will be made and sent to Ms. Capels for posting on the Web by November 16.

Historic Resources and Build Environment

Margot George said that the word "discourage" should not be used in the discussion of demolition. She said the City has no current basis to prevent demolition and that there is a need to strengthen the ability to prevent demolition and demolition by neglect. There are other ordinances that have criteria for demolition. She had an issue with the statement that the conversion of residential space to commercial space should be discouraged. That statement should be revisited in the CB-II zone because that zone was created to keep businesses downtown. It would be better to require mixed uses in other districts. Ms. Power said she would add redevelopment to the requirement that new development provide mixed uses. Ms. George said the compatibility of mixed uses must be considered. In the past, some mixed uses raised neighborhood concerns.

Ms. George suggested that the reference to the Design Review Committee in goal #2 should be removed. Something should be said about not allowing parking in front of historic buildings because parking on the front lawn degrades the neighborhood. The current zoning addresses this, but she would like to see it emphasized. Ms. Facciolo said Eric Gilbertson commented that he was hoping to see something on protection of view sheds. Ms. George said that he seemed to be saying that the built environment and important streetscapes should be protected.

Ms. Campbell said she also believes that the goals have more impact if they are distilled to the most important items. She also wondered about adding something about "tools and techniques" to the item in goal #1 that begins "Strongly encourage and assist increased use of existing downtown . . ."

Mr. McCormack asked Ms. George to provide any copies or links to demolition ordinances that work. He noted that the Commission will need to get all of the points about zoning cross-referenced. The reasons for not widening streets should state that maintaining the existing street width enhances neighborhoods and safety. Ms. Facciolo said those types of statements could go into a text box.

Mr. McCormack said that he would eliminate “paint schemes” in the second line of goal #3 because it seems unnecessary. Ms. George suggested that control of paint schemes is needed to ensure that commercial buildings fit into residential neighborhoods. Ms. Grodinsky said she would add a statement to goal #1 encouraging the addition of housing units in existing homes and conversion of outbuildings to additional housing in order to maintain the integrity of buildings while allowing for their reuse. She also thought that something more specific should be included about historic bridges.

Ms. Power said that the term “street wall” should be defined or clarified in the third item of goal #2. The two ideas in that item should be separated. Ms. George said that the goals should include something to ensure that infill construction is compatible.

Health and Social Services

Ms. Grodinsky said that item #1 should state that the City will partner with organizations and help secure grants. Mr. Sedano said that the goal of the organization would have to be consistent with the interests of the City. Ms. Capels suggested using the language “that will help the City achieve its goals and priorities.” Ms. Grodinsky said that she would take out the word “reasonably” in #3. She said that #4 should say that the City would partner with housing organizations. Mr. Sedano said that there are really two parts: the City taking action and the City partnering with other agencies. Ms. Power said that #4 should say “. . . particular attention to people with special needs” rather than list the particular groups. Mr. Sedano said that “such as” or “including” could be used to list certain groups.

Ms. Power said that item #5 should say “options for members of the community...” Ms. Facciolo said that childcare should be mentioned. Ms. Power asked what the code says about childcare facilities. Ms. Capels said that state law provides that childcare for six or fewer children may be permitted wherever housing is permitted. Ms. George said that the current zoning allows childcare throughout the city. Ms. Capels said that it would be good to acknowledge it and noted that it could be addressed through means other than just zoning. Ms. Grodinsky said that the use of incentives to promote measures that will help to achieve goals should be a theme throughout the Master Plan.

Mr. Sedano said that ideas discussed at the forum included the support of youth services, police interaction in the schools and support of efforts to control drug abuse in the city. The Commission was also asked to say something about supporting health service workers’ wages.

Vision Statement

Ms. Grodinsky suggested that the Commission provide comments on the Vision Statement to Ms. Capels through e-mail. Ms. Capels said that the copy she distributed does not include the Commission’s recent comments or edits from its prior review. She noted that the shaded portions are concepts to talk about. Ms. Grodinsky said that the Commission members will get comments to Ms. Capels and the Vision Statement will be put on the next agenda for discussion.

Other

Ms. Capels asked the Commission to set the date of its next meeting. She said November 29 is an open date. Ms. Grodinsky said the Vision Statement and the last four chapters will be discussed at the next meeting. Ms. Capels reviewed the dates for the upcoming meetings as follows: November 12, November 16 and November 29.

Adjournment

Mr. Sedano made a motion to adjourn the meeting. Ms. Campbell seconded the motion. The motion was approved unanimously. The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Valerie Capels

These minutes are subject to approval by the Planning Commission. Changes, if any, will be recorded in the minutes of the meeting at which they were acted upon.

Transcribed by Kathleen Swigon